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November 6, 2007

**By Fax: (212) 805-7941**

Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, New York 10007

Re: Brandon v. City of New York et al., 07 CV 8789 (LAP)

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York ("City") in the referenced action. I am writing to request an extension of the City's time to answer or otherwise respond to the complaint from November 6, 2007 to January 4, 2008.<sup>1</sup> I have not been able to contact my adversary about this request; however, I have no reason to believe that he would not consent.

There are several reasons for seeking the extension. In his complaint, plaintiff alleges, *inter alia*, that he was falsely arrested and maliciously prosecuted. In order to respond to these allegations, we need to obtain records of the underlying criminal case including police records. It is our understanding that these records are sealed pursuant New York Criminal Procedure Law § 160.50. We have forwarded the necessary consent authorization to plaintiff and are awaiting its return so that we can access the sealed records, assess plaintiff's claims and respond to the complaint. The additional time will also give this office the opportunity to determine whether it could represent the individually named defendants under the municipal law. See General

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According to the civil docket sheet, Police Officer Andrew Stambuk was served with process on October 29, 2007 and his answer is due on November 19, 2007. This office has not discussed with Officer Stambuk the manner of service and we make no representation herein as to the adequacy of service upon him. Although this office does not represent Officer Stambuk, and assuming he was properly served, we respectfully request this extension on his behalf so that his defenses are not jeopardized while representational issues are being decided.

Municipal Law § 50(k), Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)

No previous request for an extension has been made by either party. There are no scheduled conferences that will be affected by this proposed extension. Accordingly, it respectfully requested that the Court grant the City's application to extend its time to answer or otherwise respond to the complaint from November 6, 2007 to January 4, 2008

SO ORDERED

*Loretta A. Preska*  
LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

*November 9, 2007*

Respectfully submitted,



Steve Stavridis (SS4005)  
Special Federal Litigation Division

cc Jon L. Norinsberg, Esq. (by fax: 212-406-6890)  
Attorney for Plaintiff